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Atty Dkt No. GP-301390 (GM0447PUS)

## Remarks

In response to the Amendment filed on September 17, 2004, the Examiner rejected remaining claims 1-5 and 7-12 under 35 U.S.C. § 103(a) as being unpatentable over Lubera et al. (United States Patent Application Publication No. 2001/0046426) in view of Tajima et al. (United States Patent No. 6,485,048).

The References Do Not Provide a Snap-In Clip Having a Locking Portion by Which the Clip Permanently Attaches to a Roof Rail

As provided by Section 2143.03 of the MPEP:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of the claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988).

In rejecting independent claims 1, 7 and 10, the Examiner states that:

Lubera et al. disclose a snap-in air bag assembly (#304) for a vehicle (#300) having a roof rail, comprising an air bag module (#304) including an air bag inflator (#324) and an air bag (#336, not labeled in figure 15) with at least one cushion retention tab (#340) a snap-in clip (#10a) *permanently attachable (via wing members #100 and flange #62) to a vehicle structure (#308) and selectively attachable (via #74) to the at least one cushion retention tab, the snap-in clip including a fastening portion*

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(helical lip #72), and a removable serviceability attachment feature (fastener #74) for attaching the air bag module at the at least one cushion retention tab to the snap-in clip by fastening the serviceability attachment feature to the fastening portion of the snap-in clip (paragraph 0042, lines 1-4), and for selectively detaching the air bag module from the snap-in clip for removal of the air bag module for service by removing the serviceability attachment feature from the fastening portion of the snap-in clip (similar to use with the headliner configuration; paragraph 0039, lines 5-10). (italics added)

Applicants respectfully submit that neither Lubera et al. nor Tajima et al. discloses "a snap-in clip *permanently attachable* to the roof rail" (italics added), as required by independent claims 1 and 10. Thus, the rejection of claims 1 and 10 and their respective dependent claims is believed to be improper.

The Examiner states that the wing member 100 and flange 62 recited in Lubera et al. interact to form a "permanently attachable" snap-in clip. In fact, it is the wing member 100 and abutting flanges 102 that interact to form a **releasably** attachable snap-in clip as stated in Lubera et al. at paragraph 0034, lines 1-2, "The retaining portion 82 is shown to include a pair of wing members 100 and a pair of abutting flanges 102." Additionally, at paragraph 0038, lines 8-13, Lubera et al. state:

The combination of the insertion force and contact between the edge of the slotted aperture 220 and the wing members 100 causes the wing members 100 to deflect inwardly toward the central axis 42 until the roof 208 is disposed within the gap 166 between the tip portion (*of the wing members 100*) and the abutting flange 102. (italics added)

Accordingly, the flange 62 of Lubera et al. does not interact with the wing member 100 to effect attachability of Lubera et al.'s clip, the flange 62 is operable only as a mounting flange as shown in Figures 6-14 of Lubera et al.

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Most importantly, Lubera et al. contemplate the removal of fastener 10 at paragraph 0038, lines 25-33:

*In this regard, the wing members 100 can be configured to provide the fastener 10 with a ratio of insertion force to pull-out force of about 0.04 to about 0.12, and more preferably of about 0.04 to about 0.10. In the particular embodiment illustrated, the fastener may be seated with an insertion force of 20 pounds force and pulled out with a pull out force of about 350 pounds force, thereby providing a ratio of insertion force to pull-out force of about 0.057. (emphasis added)*

Thus, Lubera et al. teach a fastener 10 that is intended to be pulled-out, **not permanently attached**.

In contrast, Applicants' claim 1 and 10 provide "a snap-in clip permanently attachable to the roof rail". Page 8, lines 13-17 of the present Application state:

Returning to Figure 3, it is seen that the snap-in clips 26 remain secured to the vehicle roof rail 34 even after the airbag assembly 10 is removed. The flange portion 36 and the locking portions 38 of the snap-in clips 26 effectively trap a portion of the roof rail 34 between them, thereby ensuring that the snap-in clips 26 will remain firmly attached to the roof rail.

Applicants' disclosure does not mention the possibility that the snap-in clips 26 may be removed, to the contrary, the snap-in clips 26 are to remain permanently attached as recited in claims 1 and 10 recite. When Applicants' snap-in clip 26 is inserted "into a respective opening 41 in the vehicle roof rail 34, such that the flange portion 36 abuts the roof rail 34, the **locking portions 38 move into position** on the inside of the roof rail 34 to securely attach the assembly 10 to the roof rail 34." (page 7, lines 16-19). The "locking portions 38 will slide through the opening 41 in the roof rail 34 and then spring outward on the inside of the roof rail 34 to secure the assembly 10 into place." (page 7, lines 23-26). As is apparent from Figure 3, the locking portions 38 will not retract through the opening 41. This is in contrast to the ramped nature of edges 130, 230 of

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Lubera et al.'s clip (see Figure 14 of Lubera et al.) which apparently permits pull-out of the clip as taught by Lubera et al. For purposes of clarity, claims 1 and 10 have been amended to include the phrase "and a locking portion by which [the] snap-in clip is permanently attachable" to further describe the structure of the snap-in clips 26 that allows permanent attachment. These amendments to claim 1 and claim 10 find support in Applicants' original disclosure at page 7, lines 8-9, which read: "The snap-in clip 26 includes a flange portion 36, locking portion 38, and fastening portions 40"; and at page 7, lines 16-19 and lines 23-26, and page 8, lines 13-17 (recited above).

The method of claim 7 has limitations similar to the apparatus described in claims 1 and 10 and, at least for the reasons stated above, is believed to be patentable over Lubera et al. in view of Tajima et al. For clarity, Applicants have amended claim 7 to include the phrase "thereby permanently affixing the snap-in clip to the roof rail" to reflect the permanence in which the snap-in clip is attached to the roof rail. This amendment to claim 7 is fully supported by Applicants' original disclosure at page 7, lines 16-19 and lines 23-26, and page 8, lines 13-17, as recited above.

Accordingly, because, as discussed above, Lubera et al. in view of Tajima et al. do not disclose, suggest, or make obvious "a snap-in clip permanently attachable to the roof rail" and including "a locking portion by which [the] snap-in clip is permanently attachable" as required by independent claims 1 and 10, Applicants believe that claims 1 and 10 are not made obvious by Lubera et al. in view of Tajima et al. Additionally, claim 7 is amended such that the snap-in clip includes "a locking portion" which, upon installing the air bag module in the vehicle by inserting the snap-in clip into the roof rail "thereby permanently attach[es] the snap-in clip to the roof rail." Again, because installing Lubera et al.'s snap-in clip does not permanently attach the snap-in clip to the roof rail, claim 7 is not obvious in view of Lubera et al. and Tajima et al. and, at least for this reason, the rejection of claim 7 under Section 103(a) is believed to be overcome.

The References Do Not Provide an Air Bag Having a Cushion  
Retention Tab at which the Air Bag Module Attaches to the Snap-In Clip

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As stated above, the Examiner finds that Lubera et al. disclose a cushion retention tab 340 at which a snap-in clip (#10a) to selectively attachable by fastening a serviceability attachment feature (fastener 74) to the fastening portion of the snap-in clip. Claims 1, 7 and 10 have been amended to clarify that the "air bag include[es] at least one cushion retention tab."

Lubera et al.'s mounting flange 340 (the so-called cushion retention tab) is part of reaction canister 332, **not part of an air bag**. Lubera et al. state that:

The reaction canister 332 includes a mounting flange 340 having a plurality of holes 344, each of which is sized to receive a threaded fastener 74. (col. 4, lines 8-10).

In response to Applicants' September 17, 2004 Reply, the Examiner states that:

the "cushion retention tab" feature is sufficiently broad to include any tab, flange, or mounting surface that helps in retaining a cushion on another surface. Thus, the mounting flange (#340) reads on the "cushion retention tab". There is no disclosure in the claim that the airbag must be in a certain position with respect to the clip or the tab.

Applicants submit that the amendment to claims 1, 7 and 10 to clarify that the "air bag includ[es] at least one cushion retention tab" precludes Lubera et al.'s reaction canister mounting flange 340 from satisfying this claim limitation (i.e., a reaction canister mounting flange cannot be an air bag cushion retention tab). The Examiner's statement that:

the "cushion retention tab" feature is sufficiently broad to include any tab, flange, or mounting surface that helps in retaining a cushion on another surface

is not valid in light of the amendments to claims 1, 7 and 10 to specify the cushion retention tab

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is part of the air bag and is not any mounting surface that helps retain a cushion (i.e., the air bag) on another surface.

Thus, at least for this reason also, the rejection under Section 103(a) of independent claims 1, 7 and 10 and of claims 2-6, 8-9 and 11 which respectively depend therefrom is believed to be overcome.

#### Conclusion

This Amendment is believed to be fully responsive to the Office Action mailed November 23, 2004. The amendments and remarks in support of the rejected claims are believed to place remaining independent claims 1, 7 and 10, as well as claims 2-5, 8-9 and 11, which respectfully depend therefrom, in condition for allowance, which action is hereby respectfully requested.

No additional fee is believed to be due. However, please charge any fees that may be associated with this paper to deposit account 07-0960.

Respectfully submitted

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